

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DVH COMPANIES, INC., §
D/B/A SOUTHWEST WHEEL COMPANY, §
AND D/B/A ETRAILERPART.COM, §
§ Plaintiff, § CIVIL ACTION NO. 3-06-CV2084-P
§ -ECF
vs. §
§
BROPFS CORPORATION, §
D/B/A ETRAILER.COM, §
Defendant. §

**STIPULATION PERTAINING TO DEFENDANT'S
MOTION TO SET ASIDE ENTRY OF DEFAULT
AND ORIGINAL ANSWER AND COUNTERCLAIM**

Plaintiff, DVH Companies, Inc., d/b/a Southwest Wheel Company, and d/b/a etrailerpart.com ("Plaintiff"), and Defendant Bropfs Corporation, d/b/a etrailer.com ("Defendant"), hereby submit the following:

1. Plaintiff represents to the Court as follows:
 - (a) Plaintiff's Complaint for Declaratory Judgment and Cancellation of Trademark was filed in this matter on November 9, 2006 (the "Complaint"). (Docket No. 1)
 - (b) On December 12, 2006, the Clerk of Court entered a Default against Defendant in this case (the "Default"). (Docket No. 9)

(c) On December 12, 2006, Plaintiff filed a Motion for Entry of Default Judgment and Brief in Support in this case (the “Motion for Default Judgment”). (Docket No. 10)

(d) On December 14, 2006, Defendant filed Defendant’s Original Answer and Counterclaim in this case (the “Answer and Counterclaim”). (Docket No. 11)

(e) On December 15, 2006, Defendant filed the following pleadings in this case:

- (i) Motion to Set Aside Entry of Default (Docket No. 12);
- (ii) Appendix in Support of Motion to Set Aside Entry of Default and in Opposition to Plaintiff’s Motion for Entry of Default (Docket No. 13);
- (iii) Memorandum in Support of Motion to Set Aside Entry of Default and in Opposition to Plaintiff’s Motion for Entry of Default (Docket No. 14); and
- (iv) Defendant’s Compendium of Unreported Cases Cited in its Brief in Support of Motion to Set Aside Entry of Default and in Opposition to Plaintiff’s Motion for Entry of Default (Docket No. 15),

(collectively “Defendant’s Motion to Set Aside Entry of Default”).

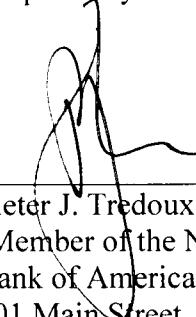
2. Plaintiff and Defendant hereby stipulate and agree that: (1) Defendant’s Motion to Set Aside Entry of Default shall be construed as and serve as both a Motion to set aside the entry of the Default, and Opposition and Response to the Motion for Default

Judgment; and (2) Plaintiff shall be granted until January 4, 2007 to file a combined Opposition and Response to Defendant's Motion to Set Aside Entry of Default, and Reply to Defendant's Opposition and Response to the Motion for Default Judgment.

3. Plaintiff and Defendant hereby further stipulate and agree that Plaintiff shall have until twenty (20) days after the Court's ruling on Defendant's Motion to Set Aside Entry of Default (the "Ruling"), to file an answer or other pleading permitted by the Federal Rules of Civil Procedure in response Defendant's Answer and Counterclaim, if required by the Court's Ruling.

DATED: December 26, 2006.

Respectfully submitted,


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with permission
via e-mail
dated 12/27/06

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